



IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Barry et al.

Serial No. 10/622,201

Filed: July 18, 2003

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASES

Examiner: David H. Kruse

Art Unit: 1638

Atty. Dkt. No.: 11899.0175.REUS07

Customer No. 45607

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants request that this Third Supplemental Information Disclosure Statement be entered and that the references listed on the attached PTO-1449 form be considered by the Examiner and made of record. A copy of each document listed on the PTO-1449 is enclosed.

In accordance with 37 C.F.R. § 1.97(g), this Third Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

Applicants hereby inform the U.S. Patent and Trademark Office that a corresponding European Patent 0 546 090 (B7), which claims priority to U.S. Patent Application Serial No. 07/576,537, was the subject of an opposition proceeding and an appeal before the EPO Technical

Board of Appeal. The Minutes of the public oral proceedings before the Technical Board of Appeal are enclosed (C113), as well as a publication announcing the decision to confirm the European patent with only a minor technical limitation (C114).


* * *

The fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is to be charged to Deposit Account No. 01-2508/11899.0175.REUS07. Should any other fees be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 01-2508/11899.0175.REUS07.

Date: July 6, 2005

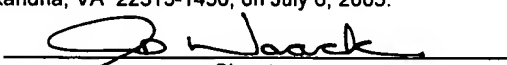
Respectfully submitted,

HOWREY LLP
750 Bering Drive
Houston, TX 77057-2198
(713) 787-1400


Janelle D. Waack
Reg. No. 36,300

Customer No. 45607

Attorney for Assignee
MONSANTO TECHNOLOGY LLC

<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 6, 2005:</p> <p style="text-align: center;"> Signature</p>
--

Form PTO-1449 (Modified) List of Patents and Publications for Applicant's Information Disclosure Statement	Atty Docket No. 11899.0175.REUS07		Serial No. 10/622,201			
	Applicant(s): Gerard F. Barry, et al.					
	Filing Date: July 18, 2003		Group: 1638			
U.S. Patent Documents						
Exam. Init.		Patent Number	Issue Date	Inventor Name(s)	Class/Subclass	Filing Date

Foreign Patent Documents						
		Doc. Number	Date	Country	Class/Subclass	Translation
	B7	EP 0 546 090	6/19/96	Europe		
Other Information						
	C109	English language translation of excerpt, <i>Chemistry and Biology, Bioscience and Biotechnology</i> , (1991) 29:734.				
	C110	English language translation of excerpt, Okada (ed.) "Gene Expression and Regulation in Higher Plants," in <i>Developments of Molecular Biology</i> , No. 13, Maruzen Co., Japan., 1990.				
	C111	English language translation of excerpt, Nagata (1993), <i>Plant Protoplast and Cell Engineering</i> , p. 104, Kodansha Co., Ltd.				
	C112	English language translation of excerpt, Uozumi (1993) <i>Plant Engineering</i> , p. 111, Maruzen Co., Ltd.				
	C113	Minutes of the Public Oral Proceedings before the EPO Technical Board of Appeal, on April 6, 2005, for European Patent No. 0 546,090.				
	C114	"Monsanto Holds Right to Patent Herbicide-Resistant Seeds, European Patent Office Says," Associated Press, April 9, 2005.				

DATE CONSIDERED: _____

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.